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**From:** Siegal, Tod [Siegal.Tod@epa.gov]  
**Sent:** 10/18/2019 2:17:49 PM  
**To:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]; Ziegler, Sam [Ziegler.Sam@epa.gov]  
**CC:** Wesson, Dolores [Wesson.Dolores@epa.gov]; Byrne, Andrew [Byrne.Andrew@epa.gov]  
**Subject:** RE: Gila letter talking points needed  
**Attachments:** 404.Arizona.GilaRiver.LetterToEPA.2019.10.11.pdf

I'm adding Andy to see if OITA has any talking points on consultation that might be helpful in this context.

Andy: Chad was copied on a letter from Gila River (attached in case it hasn't made its way to you) expressing concerns about Arizona's efforts to assume the 404 program, and in particular about EPA's approach to consulting with the Tribe. Region 9 will be meeting with the Tribe next week. The Region is certainly very experienced consulting and communicating with tribes. But any advice about how to approach the consultation issue in this matter – or any public-facing talking points about consultation and the policy – would be appreciated.

Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

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**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Sent:** Friday, October 18, 2019 8:44 AM  
**To:** Siegal, Tod <Siegal.Tod@epa.gov>; Ziegler, Sam <Ziegler.Sam@epa.gov>  
**Cc:** Wesson, Dolores <Wesson.Dolores@epa.gov>  
**Subject:** FW: Gila letter talking points needed

Tod,

Do you have any set talking points on EPA's tribal consultation policy that the region can use next week at a meeting? The Gila tribe will be there and will likely bring up the letter I forwarded.

Sam, might be good for us to touch base as a group today or Monday before your conference next week. We can talk later about the formal response. Can you set something up? - Kathy

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**From:** Ziegler, Sam <Ziegler.Sam@epa.gov>  
**Sent:** Wednesday, October 16, 2019 7:25 PM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** Gila letter

Kathy: We discussed among some senior managers, including our DD and RC, the most recent Gila letter requesting consultation. We will be coordinating with HQ program and legal for preparing our response, particularly in regard to consultation. We don't expect to complete a response letter for at least 2 weeks. We will be at our annual R9/tribal conference in Arizona next week so we discussed that we likely will have questions regarding this letter and consultation. Set talking points might be good.

*Sam Ziegler*

Manager, Wetlands Section  
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*"This is my charge to everyone: We have to be better, we have to love more and hate less. Listen more and talk less. It is our responsibility to make this world a better place," Megan Rapinoe*